IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.802 OF 1998

State Bank of Indore .. Plaintiff

vs

Mr.Ajay Sarupia .. Defendant

Mr.P.N.Singh i.b Vyas & Bhalwal for Plaintiff
None for Defendant

CORAM : A.S.OKA, J

DATED : 30th July, 2007

JUDGMENT

1. The suit is kept under the caption " undefended suits for ex parte decree." The plaintiff has filed on record the affidavit of claim of Mr.R.K.Wase,its Chief Manager of Malad branch at Mumbai. The original documents on which the claim of the plaintiff is based are also produced alongwith the said affidavit.

2. In January, 1994,on the request made by the defendant an overdraft facility to the extent of Rs.1,00,000/- was granted by the plaintiff to the defendant. Various documents were executed by the defendant by way of security for the repayment of the amount due and payable under the said overdraft facility.

3. I have perused the plaint and the original documents which are tendered on record. Considering the averments made in the plaint and the documents handed in on record, this is a fit case for passing a decree by invoking sub rule 2 of Rule 5 of Order VIII of the Code of Civil Procedure 1908. It must be stated that in the affidavit of Mr.R.K.Wase it is stated that Court Receiver was appointed in respect of the pledged securities and he has not sold any of the securities.

4. Though the plaintiff is entitled to a decree, further interest will be at the rate of 18 % p.a.

5. The suit is decreed in terms of prayers (a) to (c) with modification that interest payable will be at the rate of 18 % p.a. from the date of filing the suit till payment or realisation. The defendant will pay the costs of the suit to the plaintiffs.

6. The plaintiff will be entitled to refund of court fees, if any, as per rules.

7. Certified copy is expedited.

(A.S.Oka, J)